



HHS Public Access

Author manuscript

New Solut. Author manuscript; available in PMC 2022 May 01.

Published in final edited form as:

New Solut. 2021 May ; 31(1): 9–15. doi:10.1177/1048291121989000.

The Novel Coronavirus and Undocumented Farmworkers in the United States

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Abstract

The Covid-19 pandemic has greatly impacted frontline workers' health in 2020. The objective of this commentary is to evaluate some of the challenges faced by undocumented farmworkers in the context of the current global pandemic and possible risk mitigation strategies. Undocumented farmworkers make considerable contributions to the U.S. economy and food production, but they are at an elevated risk for contracting Covid-19. Their risk is compounded by their employment and legal status, as well as their poor working and living conditions which makes it difficult for them to observe COVID-19 precautionary measures. U.S. immigration policy disincentivizes undocumented farmworkers from seeking health care services. Contact tracing challenges could be overcome by gaining trust with subsequent increased testing and care. Extending eligibility of safety net programs for undocumented farmworkers will help to ease the burden of Covid-19, thereby improving their overall health and productivity.

Keywords

farmworkers; COVID-19; novel coronavirus; health care access

Introduction

The Covid-19 pandemic has dramatically impacted the global economy and human health in 2020. No country has been immune to the adverse socio-economic and health effects of the disease. In the United States, the mounting death toll caused by the novel coronavirus has placed it third in overall mortality, behind cancer and heart disease. Covid-19 has also revealed existing inequalities as it continues to disproportionately affect people of color,

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

especially African Americans, Native Americans, and Hispanics.¹ In addition, certain occupational groups who work in crowded conditions, such as factory workers in meat-packing plants, fast food workers, and crop farmworkers, have been recognized as high risk occupations in terms of the risk of Covid-19 outbreaks.² Migrant and seasonal farmworkers are designated by the federal government as essential workers because they play a critical role in securing the nation's food supply and sustaining its global supply chains, yet there are few worker protections such as unemployment insurance, paid leave, or health care coverage that would help safeguard the work force during the current pandemic.³ In the U.S., one-half of the 1–3 million farmworkers are working without authorization, and have very limited access to health care.⁴ These unauthorized or undocumented farmworkers are foreign-born without work authorization for employment purposes in the U.S. For undocumented farmworkers, their legal status, precarious living conditions, and occupational hazards such as exposure to harmful agricultural chemicals place them at higher risk for Covid-19 exposure during this health crisis. Despite the dangers they face, undocumented farmworkers' mistrust of the U.S. government makes them wary of Covid-19 testing and any contact with health authorities. This commentary will discuss some of the challenges faced by this occupational group in the context of the current global pandemic and possible risk mitigation strategies.

Covid-19 and Challenges for U.S. Fruit and Vegetable Harvesting

Immigrants account for 22% of all workers in the U.S. food industry, so they represent an essential role in the supply chain.⁵ There were approximately 10.5 million undocumented immigrants in the U.S. in 2017, nearly a quarter of the total immigrant population.⁶ It is difficult for undocumented workers to secure employment, but in the agricultural sector, these individuals are able to find work using loaned documents or other means.⁷ Approximately 2.7 million people are hired as farmworkers in the U.S. each year, with one-half working without authorization, and the majority are younger, Hispanic males and immigrants.⁸ Recent U.S. immigration policy has made border enforcement and deportation of undocumented immigrants a priority; however, undocumented farmworkers are an essential component of the U.S. agricultural labor force and with the current pandemic, U.S. Immigration and Customs Enforcement indicated enforcement actions would be lessened in the interior U.S.⁹ Farmworkers are one of many occupational groups of front-line workers which places them at risk for exposure. They live and work in conditions that do not support social distancing or hand hygiene. Many do not speak English, have low health literacy, and may ascribe to cultural norms and practices that are at odds with the culture of U.S. biomedicine. A growing subset of farmworkers on the west coast are from indigenous backgrounds and speak languages other than Spanish. Most do not have access to health insurance and because of their low salaries, they are unlikely to spend their earnings on out-of-pocket health care costs.

Without concerted efforts to protect their health and safety during this pandemic, there have been multiple novel coronavirus outbreaks at farms and among farmworkers with potentially disastrous impacts on food production.¹⁰ Certain crops have only a short window for harvesting, so labor shortages could jeopardize food supply chains and force consumers to pay more for fresh produce.^{11, 12} Migrant and seasonal farmworkers are critical to the U.S.

economy and food security.¹⁰ Faced with existing labor shortages because of current labor policies and difficulties in securing H-2A visas for temporary guest workers, the agricultural industry is facing unprecedented challenges to maintain a work force to harvest fruits and vegetables.¹³ A fundamental public health approach to the coronavirus is testing, contact tracing and quarantine to stop the virus spread; however, farmworkers have little incentive to get tested. While employers would want to contain outbreaks to maintain their workforce, farmworkers are motivated to avoid testing for fear of losing work. A practical challenge for migrant farmworkers is different testing requirements as they follow the migrant stream. For example, farmworkers travel from Florida, Georgia, and Texas where they are not mandated to receive testing for Covid-19, but when they arrive in Michigan, there is a testing mandate. Hundreds of farmworkers walked off the job at several blueberry farms because of the testing requirement and are involved in a lawsuit against the state.¹⁴ The reality is that if farmworkers test positive, they will be forced to quarantine, and consequently are not able to work, recover lost wages, nor afford the costs of food and housing. Another real fear expressed by tomato harvesters in Immokalee Florida, a rural agricultural town, was the possibility that if farmworkers tested positive, they could be deported.¹⁵

Covid-19 Transmission

Data on how the coronavirus is affecting farmworkers across the country is still limited as it is an emerging issue.¹¹ Research is needed to examine how infected individuals may be contributing to disease outbreaks as they move along the migrant stream. Nativity and citizenship status are excluded by the Centers for Disease Control and Prevention (CDC) in their Covid-19 case report forms,¹⁶ making the spread of the disease more difficult to track among undocumented migrant populations. Some states and counties have, however, released figures to show how the disease is impacting farmworkers locally. In May, it was reported that 200 employees on a produce farm in Tennessee tested positive for coronavirus, along with 110 farmworkers in two separate farms in New Jersey and another 170 who contracted the disease at a greenhouse operation in New York.¹² Rural states and counties with the largest numbers of farmworkers (e.g., California, Washington, Oregon, North Carolina, Georgia, and Florida) have witnessed a surge in Covid-19 infections and deaths during the 2020 harvest season.^{12, 13, 17}

Undocumented farmworkers are perceived to be at risk of sustained community transmission due to their social vulnerability.¹ The high risk of Covid-19 spread among farmworkers is believed to be exacerbated by their living and working conditions. Undocumented migrant farmworkers are often transported in crowded buses between their temporary housing and work sites, and housed in cramped, poorly ventilated living quarters, such as motel rooms and mobile homes, increasing the chances of virus transmission.¹⁸ These types of housing arrangements might also lack adequate bathroom facilities, forcing workers to share toilets, sinks, and showers.¹⁹ Farmworkers toil for long hours under challenging working conditions, such as extreme heat or cold, with limited days off to rest during peak seasons.¹⁹ They lack access to personal protective equipment (PPE) and to proper sanitation and handwashing facilities in the field.¹⁹ Undocumented workers are also more likely to be older, and have underlying health conditions such as hypertension and diabetes than their

younger H-2A guest farmworker counterparts, which places them in a higher risk category for Covid-19 complications.²⁰

Much of the health advice given to the public during this pandemic is irrelevant or unattainable for farmworkers. Public health officials have urged individuals with Covid-19 symptoms to stay at home, contact their doctor, and seek health services if their symptoms do not subside.⁹ For undocumented farmworkers, staying home and away from work means they would be unemployed. They depend on their daily earnings to sustain themselves and their families, meaning they are unable to miss work even if they are infected.¹ Research on farmworker occupational health is replete with underreporting of injuries and farmworkers continuing to work when sick.^{21, 22} Missing work during a busy harvesting season could have dire consequences, including retribution by employers, unemployment, and homelessness.¹⁹ Unlike citizens and documented immigrants, undocumented farmworkers may not have the option of seeking a medical professional if they have Covid-19 symptoms. They have limited access to primary health care providers and often are treated only in emergency departments for preventive care, a practice which can overwhelm health systems in an outbreak situation.^{9, 11}

Being an undocumented farmworker causes significant legal and economic barriers to accessing health care.¹¹ They may be reluctant to seek health care services due to the fear that such contact could result in job loss, harm their chances of securing legal status in the future, or cause them to be deported if they should be detained.^{1, 9, 11} Any health services they seek -- unless they are work-related injuries -- must be paid for out-of-pocket as most undocumented farmworkers lack health insurance coverage and are excluded from the Affordable Care Act.^{1, 9} They are also excluded from the recently enacted Coronavirus Aid, Relief, and Economic Security (CARES) Act which provides free testing for the uninsured, but excludes certain classes of immigrants.¹¹ Out-of-pocket costs are barriers for receiving Covid-19 testing and general health care seeking.¹¹ Undocumented farmworkers are also ineligible for other government assistance programs, such as Temporary Assistance for Needy Families (TANF), and the Supplemental Nutritional Assistance Program (SNAP), also known as “food stamps.”

The plight of undocumented farmworkers during this pandemic is worsened by the fact that they have limited employee protections, earn low wages, have excessive working hours, experience poor working and housing conditions, and are subject to harassment, gender-based violence, discrimination, and health and safety violations.^{19, 23} Occupational hazards, such as the use of pesticides, result in higher rates of respiratory illnesses among this population, leaving them more vulnerable to critical complications from Covid-19.²⁴ The spread of Covid-19 among undocumented farmworkers further poses risks to other workers they live and interact with, along with people they may interact with in their community.¹⁰ Considering that many migrant farmworkers are transported across the U.S., an outbreak on one farm could easily spread to other farms and communities.

Conclusion

Undocumented farmworkers make considerable contributions to the economy due to the essential work they perform, but they are at elevated risk for contracting Covid-19. Their risk is compounded by two key factors – their profession as farmworkers and their legal status as undocumented migrants. Each of these factors presents its own challenges during the pandemic, and when combined, they leave undocumented migrant farmworkers vulnerable to contagion.

Farmworkers face numerous threats to their health in their efforts to ensure that U.S. consumers have access to fresh fruits and vegetables. These threats extend from their working conditions (e.g., long hours, low pay, occupational hazards, exposure to harsh weather, lack of sanitation facilities, and mistreatment by employers) to their living conditions (e.g., overcrowded housing, poor ventilation, poverty, inadequate hygiene facilities, and crowded transportation). The daily life of farmworkers makes it hard for them to maintain social distancing and proper hand hygiene. Most farmworkers live and work in rural areas, whose medical facilities are not adequately equipped for excess capacity from a spike in Covid-19 cases.

Policy Recommendations

In order to address the multi-level influences on farmworker risk and exposure to Covid-19, wholesale changes need to be implemented to transform U.S. immigration policy which would create legal and workplace protections for agricultural employees, thus improving health disparities. There are federal and state policies which affect leave policies, access to health care, safety regulations, and labor conditions which exacerbate farmworker's exposure to Covid-19.²⁰ In contrast, current immigration policies disincentivize migrants, even documented ones, from seeking health care services if they develop Covid-19 symptoms.¹¹ An example of such a policy is the Public Charge Ground of Inadmissibility final rule which determines if certain immigrants are inadmissible to the U.S. based on their becoming dependent on government benefits.²⁵ The U.S. Customs and Immigration Service (USCIS) has since urged all those living in the U.S., including undocumented workers, to seek health services if they have coronavirus symptoms and issued an alert that this will not negatively impact any future Public Charge analysis. Unfortunately, this policy has already had the intended effect of making immigrants unlikely to take advantage of government benefits of all kinds. This anti-immigration policy, along with previous anti-immigrant rhetoric by the Trump administration, has been successful in keeping undocumented workers from accessing needed health care services.⁹

The platform of the incoming Biden administration includes a congressional proposal for a path to citizenship for the approximate 11 million undocumented immigrants in the U.S., along with a specific legalization program for agricultural workers and a halt of workplace immigration raids carried out by Immigration and Customs Enforcement.²⁶ The Biden administration's plan "Build Back a Better America" commits to work with Congress to ensure paid sick time for farmworkers, institute wage-hour requirements, and require worker protections from heat stress and pesticides with enforcement by the Occupational Safety and

Health Administration (OSHA).²⁷ These future actions by the Biden administration would help to reverse previous harmful policies and might help to decrease mistrust among immigrant communities, but such legislation has not gained traction in the past and would face an uphill battle in a divided Congress. Moreover, while some executive orders by the Trump administration related to immigration could be changed more easily, undoing the public charge regulation would require a notice and public comment period.²⁶

A more comprehensive approach to improving the immigration status (and health outcomes) of farmworkers might be possible if the Farm Workforce Modernization Act (HR 5038) became law under the Biden administration. This bill, passed by the House before the pandemic, provides legal status (Certified Agricultural Worker) for those employed in agriculture, removing the threat of arrest and deportation, and offering a path to citizenship. Any public health response to the pandemic among farmworkers must first confront the problem of immigration status.

In the absence of comprehensive immigration reform, public health agencies and educators will need to redouble their efforts at communication and outreach for contact tracing, prevention, and future vaccination programs. To improve understanding of control measures to minimize the effect of Covid-19, epidemiologists need to identify clusters of cases and examine the conditions causing work site outbreaks. There are challenges with contact tracing with this population to collect accurate information because information could be shared with immigration agencies within the Department of Homeland Security. If the CDC intake form was revised to include information on nativity and citizenship, employers and local agencies would be able to share data on farmworkers for health purposes, but only if workers were confident the information would not be used for immigration purposes.¹⁶ By gaining the trust of this population with health care agencies, testing can be increased, and barriers to accessing health care or future vaccination programs can be reduced. This is especially important with recent news about effective Covid-19 vaccines. A coalition of farmworker organizations in California has called for farmworkers to be a priority group for vaccination, stressing the need for additional outreach efforts to increase trust.²⁸

To address the economic shocks faced by agricultural workers during the pandemic, the U.S. government should further extend the eligibility of safety net programs (such as SNAP) to undocumented farmworkers, or even establish programs solely for this population. The FARM Laborers Protection Act (S. 4042), if it were to pass, provides funding for sick leave for agricultural workers, a prerequisite for workers who fear testing and reporting illness will affect their earning ability. A provision in the Family First Coronavirus Response Act (FFCRA) provides support and assistance during the quarantine period for keeping the sick/exposed individuals at home to prevent further spread of the virus.²⁰ This provision should be extended in future legislation to all farmworkers, regardless of legal status since they fall in the category of essential workers and include provision of PPE such as face coverings for affected patients and their families.

Providing adequate health care for undocumented migrant farmworkers is another key solution for this issue. Because they perform an essential service for the nation, investing in their health care is an investment in food security. Federal and state governments must

expand access to care during the coronavirus pandemic to all farmworkers, regardless of insurance or legal status, as has been done for workers in Austin, Chicago, and Minneapolis.²⁹ Undocumented migrant farmworkers should have access to free or low-cost coronavirus testing, care, and vaccines, without fear of consequences.¹⁹ The National Academies of Sciences' Framework for Equitable Allocation of Covid-19 Vaccine consensus statement places agricultural and food supply workers in Phase 2 for prioritization for access to a vaccine. It will require extensive outreach to be successful along with continued education about prevention.³⁰ Farmworker health care should also be language- and community-specific, such as multilingual Covid-19 hotlines and multilingual health care workers. Farmworkers unfortunately may only have access to health care in the form of temporary periodic clinics and outreach.³¹ There are successful examples, such as in western New York, where the Cornell Farmworker Program delivered Covid-19 educational videos and fact sheets to more than 3,000 farmworkers using text messaging contact methods.³²

Employers also have an important role to play in addressing the issue. Farmworkers require protective gear while working in the field, and should have transportation, housing and a workplace that is safe and meets NIOSH/DOL guidelines for minimizing the spread of the coronavirus. Quarantined workers need to be supported with access to food, medication, and other necessities they require during this pandemic, and employers need to support these efforts.¹⁹ Daily farm operations will have to change to adapt to the CDC guidance for agricultural workers and employers, including transportation, housing and social distancing where field operations (such as harvesting and packing) take place.² In addition to engineering controls (limiting face-to-face contact through produce exchange, changing work flow and break schedules, installing barriers) employers will have to utilize new educational materials and provide PPE. Educational posters from OSHA now provide recommendations to stay safe during Covid-19 such as wearing face coverings, washing hands, avoiding sharing tools, and disinfecting tools.³³

For undocumented farmworkers who are unemployed, transportation subsidies can be provided to help them return home.²⁹ Repatriations on medical grounds should, however, be halted.¹⁹ Instead, undocumented migrant farmworkers should be supported until they recover and either return to work or return home. In addition to social support, communities of migrant workers require legal support. Policies should be enacted to protect them from discrimination, exploitation, and mistreatment during this pandemic, such as requiring employers or the government to provide employees experiencing job loss, interruptions, or income loss with unemployment benefits or debt relief.²⁹ While Congress considers legislation for future stimulus packages for workers affected by Covid-19, it is essential to include all essential workers in such provisions, regardless of immigration status, to protect the food supply. Improving substandard housing and living conditions that predispose farmworkers to Covid-19 should also be a policy priority. This would fall under better OSHA enforcement of revised housing safety guidelines to protect workers based on science (e.g., spacing requirements for beds in barrack-type housing).

While collecting data on undocumented farmworkers will enable targeted assistance, identifying undocumented migrants for assistance remains a significant challenge. The World Bank Group recommends using self-identifying strategies, such as offering free food

and accommodation to undocumented migrants who come forward, or self-enrollment efforts where undocumented migrants sign up to receive benefits.²⁹ Working with social groups who assist migrant communities can also be useful in locating undocumented migrants. Some states, such as California and New York, have already made efforts to help undocumented migrants by establishing relief funds with state support and public donations.²⁹ The federal government can supplement these funds to increase the reach and volume of cash assistance and encourage other states with farmworker populations to establish similar funds. Making free testing available for these farmworkers onsite will encourage some to get tested and subsequently take the necessary precautions as stipulated by the CDC and the World Health Organization.

All these policy changes will go a long way to ease the burden of Covid-19 on undocumented farmworkers while improving their overall health and productivity. We recognize the wholesale changes that would have to be made in the U.S. immigration and agriculture systems at the national level, along with public health improvements and employer practices at the local level. Finally, undocumented farmworkers would have to become empowered to fight the coronavirus themselves at the community and individual levels, through language-appropriate education and support for preventive actions such as wearing masks or face coverings, hand washing, administering disinfectants, and social distancing. Addressing the full scope of the coronavirus issue in the U.S. agricultural sector will require major structural changes and policies that have been recommended in this sector for many years; perhaps the threat to health and our food supply provides the policy window needed to finally begin.

Funding

This article was supported in part by a University of Florida Agricultural Research Center Award from the National Institute for Occupational Safety and Health [U54 OH011230] and funding from the National Institute on Minority Health and Health Disparities of the National Institutes of Health [U54 MD007582]. The content is solely the responsibility of the authors and does not necessarily represent the official views of the Centers for Disease Control and Prevention or the National Institutes of Health.

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